

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTONIO LOPEZ SERNA,

Petitioner,

v.

No. 24-cv-663 KWR/SCY

FNU YOUNG, *et al.*,

Respondents.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Petitioner Antonio Lopez Serna's failure to prosecute his Civil Complaint (Doc. 1), in which Petitioner appears to challenge his custody and calculation of his good time credits. Petitioner filed his *pro se* Complaint on June 28, 2024 while he was incarcerated at the Lea County Correctional Facility. By Order entered February 7, 2025, the Court noted the New Mexico Corrections Department inmate locator website reflects Petitioner is no longer in custody, and he has not provided a current address as required by D.N.M. LR-Civ. 83.6. *See* (Doc. 8); <https://www.cd.nm.gov/offender-search>. The Court directed Petitioner to update his address in writing within thirty days. (Doc. 8). The Order warned that the failure to timely comply may result in dismissal of this action without further notice. *Id.*

The deadline to provide a new address was March 10, 2025. Petitioner did not comply or otherwise respond to the Order. Accordingly, the Court will dismiss the Complaint without prejudice under Fed. R. Civ. P. 41(b) "for failure to prosecute or comply with the rules of civil procedure or court orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). To the extent necessary, the Court will also deny a certificate of appealability (COA) under Habeas

Corpus Rule 11, as this ruling is not reasonably debatable. *See* 28 U.S.C. § 2253(c)(2) (COA may only issue where reasonable jurists would debate the outcome of the habeas case); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (same).

IT IS THEREFORE ORDERED that Petitioner Antonio Lopez Serna's Civil Complaint (Doc. 1) is **DISMISSED without prejudice**; a certificate of appealability is **DENIED**; and the Court will enter a separate judgment closing this civil case.

SO ORDERED.

/S/
HON. KEA RIGGS
UNITED STATES DISTRICT JUDGE